

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

JOSEPH MARK DAIGLE

§

VS.

§

CIVIL ACTION NO. 9:20-CV-125

WARDEN DICKERSON, ET AL.

§

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ACCEPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Joseph Mark Daigle, a prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Warden Dickerson, Assistant Warden J. Perez, Security Warden Billy H. Jackson, Officer James Willis, Captain Taliesin R. Stern, Christina Norris, and Courtney R. Rice.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the action with prejudice to the claims being asserted until plaintiff meets the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

Plaintiff's claims for monetary damages in connection with the disciplinary proceeding are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because a finding in plaintiff's favor would imply


that the forfeited good conduct time credits should be restored and plaintiff would be entitled to an earlier release on mandatory supervision. *Edwards v. Balisok*, 520 U.S. 641, 648 (1997); *Aucoin v. Cupil*, 958 F.3d 379, 382 (5th Cir. 2020). Plaintiff's claim that his complaints regarding his confiscated or lost property were not investigated is not cognizable under 42 U.S.C. § 1983. *Geiger v. Jowers*, 404 F.3d 371, 374 (5th Cir. 2005).

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the court concludes that the petitioner's objections lack merit.

### **ORDER**

Plaintiff's objections (docket entry #21) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (docket entry #19) is **ACCEPTED**. A final judgment will be entered in accordance with this order.

So ORDERED and SIGNED, Jun 13, 2021.

  
\_\_\_\_\_  
Ron Clark  
Senior Judge